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SPECIFIC GROUPS AND INDIVIDUALS: OTHER VULNERABLE GROUPS AND INDIVIDUALS

Report of the United Nations High Commissioner for Human Rights on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities

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Executive summary

In its resolution 2002/61, the Commission on Human Rights requested the Office of the High Commissioner for Human Rights (OHCHR) to report to the Commission at its fifty-ninth session on progress in the implementation of the recommendations contained in the study on the human rights of persons with disabilities, and on the programme of work of the Office in relation to the human rights of persons with disabilities.

The study on "Human rights and disability: the current use and future potential of United Nations human rights instruments in the context of disability", which had been commissioned by OHCHR from the Research Centre on Human Rights and Disability of the University of Galway (Ireland), analysed the provisions of the six core human rights treaties from a disability perspective, and reviewed the functioning of the United Nations human rights system in the context of disability. The study noted that a dramatic shift in perspective in relation to disability had taken place in all economic and social systems, and that the human rights dimension had been affirmed and emphasized over the past two decades. A wide range of recommendations designed to enhance the future use of the United Nations human rights system in the context of disability were addressed to States, the treaty monitoring bodies, OHCHR, the Commission on Human Rights, national human rights institutions and civil society.

The present report shows that the implementation of these recommendations may have a considerable impact on the promotion and protection of the human rights of persons with disabilities. Some progress has been made by the different stakeholders in the implementation of the recommendations. Several States have started to treat disability as a human rights issue and to report on disability as part of their periodic reports on the implementation of the human rights instruments they have ratified. National human rights institutions have showed an increasing interest in the issue, as evidenced by both the activities of individual institutions and the conclusions and recommendations adopted by recent regional meetings of national institutions.

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I. INTRODUCTION

A. The mandate contained in Commission on Human Rights resolution 2002/61

1. The present report is submitted in accordance with Commission on Human Rights resolution 2002/61 of 25 April 2002,[1] in which the Commission called upon the Office of the High Commissioner for Human Rights (OHCHR) "to report to the Commission on Human Rights at its fifty-ninth session on progress in the implementation of the recommendations contained in the study on human rights and disability presented at the fifty-eighth session of the Commission on Human Rights and on the programme of work of the Office in relation to the human rights of persons with disabilities".

B. The study on human rights and disability

2. The study on "Human rights and disability: the current use and future potential of United Nations human rights instruments in the context of disability" (hereinafter "the study") is the first outcome of a project designed by OHCHR to enhance the recognition of the human rights dimension of disability.[2] This long-term project was elaborated pursuant to Commission on Human Rights resolution 2000/51 of 25 April 2000, in which the Commission invited the United Nations High Commissioner for Human Rights, in cooperation with the Special Rapporteur on disability of the Commission for Social Development, to examine measures to strengthen the protection and monitoring of the human rights of persons with disabilities.

3. The study, commissioned from the Research Centre on Human Rights and Disability of the University of Galway (Ireland), reaffirms that the disability rights debate is not so much about the enjoyment of specific rights as it is about ensuring the equal and effective enjoyment of all human rights, without discrimination, by persons with disabilities. In the past, people with disabilities suffered from a relative invisibility, and the status and the legal safeguards normally associated with the rule of law were either not applied at all or were largely discounted in the context of disability. The study acknowledges that a dramatic shift in perspective has taken place over the past two decades, and that the human rights dimension of disability has been reaffirmed and re-emphasized. Although slow and uneven, the process of ensuring that persons with disabilities enjoy their human rights is taking place in all economic and social systems.

4. A human rights approach to disability aims at empowering disabled persons and ensuring their active participation in economic, social, cultural and political life. It requires ensuring that people with disabilities have full access to the rights to which they are entitled - and which most people take for granted - in a non-discriminatory way that is respectful and accommodating of difference. It means abandoning the tendency to view people with disabilities as "problems", and recognizing the important contributions they can make to all aspects of societal life.

5. The study analyses the relevance of the United Nations human rights system in the context of disability. It considers the provisions of the six main human rights treaties from a disability perspective, and reviews how the system actually works by looking at how States parties report to the treaty monitoring bodies on human rights and disability, and how the treaty monitoring bodies respond. The study concludes that the United Nations human rights treaties have considerable potential in the field of disability, but have generally been underused in

advancing the rights of persons with disabilities. Its main thesis is that the process of disability reform that is taking place across the globe could be strengthened and accelerated if greater and more targeted use were made of these human rights instruments.

6. Finally, the study suggests options for the future, both to improve the use of existing human rights norms and mechanisms in relation to disability, and to explore the possible need for a new international instrument. A wide range of recommendations designed to enhance the future use of the United Nations human rights system in the context of disability is addressed to States parties, the treaty monitoring bodies, OHCHR, the Commission on Human Rights, national human rights institutions and civil society.

7. The study was published - in its English version only - in November 2002. Before that date, it was available in electronic version on the OHCHR web site. Advance unedited copies were also circulated among delegations at the fifty-eighth session of the Commission on Human Rights and to participants in some disability-related meetings, such as the special event organized for the launching of the study, the interregional expert group meeting on the proposed new convention on the human rights and dignity of persons with disabilities, organized by the Government of Mexico in June 2002, and the first session of the Ad Hoc Committee set up by the General Assembly to consider proposals concerning a new convention on the human rights of persons with disabilities.

C. Structure of the report

8. The present report consists of three parts. The first part reviews the progress made by a wide variety of stakeholders in implementing the recommendations contained in the study. The second part focuses on the work undertaken by OHCHR in the field of human rights and disability, in general and with specific reference to the recommendations that the authors of the study specifically addressed to it. The third part contains some concluding remarks and recommendations on how to enhance the effectiveness of the human rights machinery in the field of disability. Given the recent publication of the study, the report contains only preliminary information, as implementation of most of its recommendations will require additional time.

II. IMPLEMENTATION OF THE RECOMMENDATIONS CONTAINED IN THE STUDY ON HUMAN RIGHTS AND DISABILITY

A. Action by States

9. The study notes that some States already report actively on disability as part of their periodic reports on the implementation of the human rights treaties they have ratified. The study recommends that States (a) treat disability as a broad human rights issue and report regularly on progress made and obstacles encountered in achieving equal rights for persons with disabilities; (b) consult more closely with disability non-governmental organizations (NGOs) - especially NGOs of persons with disabilities - in the drafting of their periodic reports; and (c) nominate persons with disabilities for election to the treaty monitoring bodies.

10. The following States replied to a note verbale sent by OHCHR requesting information on measures adopted to implement these recommendations: Argentina, Chile, China, Cuba, Cyprus, the Czech Republic, Honduras, Mexico, Norway, Portugal, Qatar, Spain.

11. Argentina has adopted several laws and regulations with regard to the promotion and protection of the human rights of persons with disabilities and has recently ratified the Inter-American Convention on the Elimination of All Forms of Discrimination against Persons with Disabilities. A Working Committee consisting of representatives of the Government and civil society has been established to consider ways to implement the Convention and strengthen equality of opportunities for persons with disabilities. Furthermore, a National Advisory Commission for the Integration of Persons with Disabilities (*Comisión Nacional Asesora para la Integración de Personas Discapacitadas*), established within the Presidency of the Cabinet of Ministers, consults regularly with persons with disabilities and their organizations on measures to be adopted for combating discrimination and facilitating full participation of persons with disabilities in societal life.

12. The Government of Chile reaffirmed its commitment to strengthen the protection and monitoring of the human rights of persons with disabilities. In September 2002, an Executive Council of the Fund for the Development of Civil Society (*Consejo Directivo del "Fondo de Desarrollo de la Sociedad Civil"*) has been set up, with the aim of strengthening the active participation of civil society and the private sector in the definition of public policies and programmes. The Executive Council includes a representative of persons with disabilities, who ensures participation of persons with disabilities and disability organizations in decision-making processes which affect them. Chile also expressed its willingness to designate persons with disabilities for election to treaty monitoring bodies.

13. The Government of China stated that the Constitution of the country includes specific provisions for the protection of the rights of persons with disabilities. In December 1999, a comprehensive law was enacted to promote their equal rights, and similar regulations have been adopted at the provincial and district levels. Two 5-year plans have also been formulated since 1996 to raise awareness about the rights of persons with disabilities. The Ministry of the Interior, in consultation with the Ministry of Construction and the Chinese Organization for the Disabled, adopted a plan for improving accessibility to the built environment. Specific programmes are in place to facilitate the rehabilitation of disabled persons and ensure an improvement of their capabilities, independence and inclusion in society. In the field of education, the Ministry of Education has issued regulations on inclusive education for children with disabilities, which also take account of their special needs. Programmes on vocational education and training are also in place to facilitate the integration of persons with disabilities into the regular labour market. China supports the proposed new international convention on disability, and believes that any future treaty should address the human rights dimension of disability as well as its social development aspect. Different cultural backgrounds and levels of development are to be taken into account. Any new instrument should include civil, cultural, economic, political and social rights, and address individual as well as collective rights. Special attention should be paid to the right to survival and the right to development.

14. Cuba attaches particular importance to the promotion and protection of the human rights of persons with disabilities, and promotes social policies aimed at guaranteeing free and universal access to basic social services and the satisfaction of basic needs of all human beings. Organizations of persons with disabilities are fully involved in the evaluation of the effectiveness of policies and programmes relating to persons with disabilities. In 1995, the Government adopted a National Plan of Action for persons with disabilities. A National Council for Persons with Disabilities (CONAPED) was set up to follow up on the Plan of Action and promote the necessary coordination in the implementation of government policies in the field of employment, accessibility, health care, education, rehabilitation and access to technology and information. The Government of Cuba supports the elaboration of a comprehensive and integral international convention on the rights and dignity of persons with disabilities. A new convention should address economic, social and cultural rights as well as civil and political rights, and take account of the different economic and social conditions existing in developed and developing countries. In particular, any new instrument should aim at implementing effectively the right to development, which represents a precondition for an integral and sustainable solution to the special needs of disabled persons.

15. Cyprus reported on the enactment of "The Law Providing for Persons with Disabilities", which aims at safeguarding equal rights and equal opportunities for persons with disabilities and promoting their social and economic integration. Persons with disabilities participate in the formulation, implementation and follow-up of relevant policies and actions in their favour through their representatives in the various committees and boards at all levels. At the highest level, they participate in the Rehabilitation Council, an advisory body established in the Ministry of Labour and Social Insurance, which provides a forum for discussion on all issues concerning persons with disabilities. Other laws and regulations have also been enacted, and provide for equalization of opportunities in such fields as education, access to public places and buildings, employment and access to vocational rehabilitation.

16. The Czech Republic regularly refers to the issue of disability in its periodic reports on the implementation of the human rights treaties it has ratified. References to people with disabilities are contained in the initial report of the Czech Republic on the implementation of the International Covenant on Economic, Social and Cultural Rights in the period 1993-1999, in the addendum to its initial report, and in its second periodic report on the implementation of the Convention on the Rights of the Child in the period 1995-1999. The Czech Republic informed that its reports on the implementation of the remaining United Nations human rights instruments do not explicitly refer to disabled persons. Information from NGOs - whether solicited or unsolicited - is always taken into account in the drafting of reports, and organizations are regularly invited to comment on the draft report.

17. The Government of Honduras informed that the Ombudsperson for Children and Persons with Disabilities (*Fiscalía de la Niñez y Discapacitados*) works on identifying issues affecting persons with disabilities, based on the communications they submit to the Office of the Ombudsperson. These receive special treatment leading in many cases to interventions on their behalf with the persons, entities or State institutions posing the problems to which the complaints refer. The Office has links with NGOs working with persons with disabilities, which allow coordinated action on the treatment of certain cases and facilitates the preparation of reports.

The selection of nominees for election to treaty bodies has not been part of the functions of the Office, but given the Office's involvement in disability issues, the possible nomination of persons with disabilities will be discussed, when possible, with other State institutions.

18. The Government of Mexico attaches great importance to the protection of the rights and dignity of persons with disabilities and believes that this group of individuals needs special protection against the various kinds of discrimination to which it is subject. Mexico promoted the setting up of an Ad Hoc Committee of the General Assembly to consider proposals for a new convention on the human rights of persons with disabilities. The new instrument should not aim to create specific rights, but to ensure the equal and effective enjoyment of all human rights, without discrimination, by persons with disabilities. The Government of Mexico also deems it entirely appropriate that States should pay particular attention to this issue under existing international human rights instruments and its periodic reports submitted by States parties. In this connection, Mexico has started work on the preparation of its periodic reports on five of the six treaties, which will be submitted shortly for the consideration of the treaty bodies concerned. These reports are being elaborated in consultation with NGOs and organizations of persons with disabilities, and will contain specific information on measures adopted to promote and protect the human rights of this group.

19. Norway reported that, in connection with the follow-up to the National Plan of Action for Persons with Disabilities, the Norwegian Ministry of Social Affairs has adopted a report,[3] which suggests several measures to ensure full participation of, and equality of opportunities for, persons with disabilities. These recommendations include: (a) the adoption of an anti-discrimination act to prohibit any form of discrimination against persons with disabilities; (b) the strengthening of existing legislation concerning persons with disabilities, and the adoption of measures to ensure implementation; (c) the establishment of a supervising authority on disability rights to monitor compliance with the United Nations Standard Rules and domestic laws and regulations concerning persons with disabilities; and (d) the adoption of measures aimed at strengthening participation of persons with disabilities and their organizations in all decisions affecting them. In order to follow up on this report, the Ministry of Social Affairs is preparing a White Paper, which will be presented to the Norwegian parliament in early 2003.

20. In Portugal, the Constitution states that persons with disabilities shall enjoy fully all the rights and be subjected to all the duties set forth in the constitutional charter, and ensures a special treatment to those persons requiring it. The State implements a national policy for the prevention of disability, and for the treatment, rehabilitation and integration of citizens with disabilities. In the field of housing and transportation, the legislation requires that accessibility be ensured to persons with physical disabilities. In subways and school books, indications are already being given in Braille. The State runs educational programmes aimed at facilitating integration into society and raising public awareness about persons with disabilities, their rights, their needs, their potential and their contribution. The State supports organizations of persons with disabilities.

21. The Government of Qatar reported that in 1989 it had adopted a plan of action on the special educational needs of children with disabilities. The plan spells out the requirements for admission to education, and the rights of boys and girls with special needs, in particular those with mental disabilities and visual and hearing disabilities. In the field of health care, a 1997

ministerial decision regulates the provision of financial assistance by the State to families of persons with disabilities requiring special or continuous health care or specific accommodation. Disabled persons with no family receive health care in hospitals. In 1999, an Emiral Decree established a Supreme Council for Family Affairs. In 2002, the Supreme Council created a National Committee for Persons with Special Needs, which aims at guaranteeing persons with special needs access to a life of dignity and comprehensive care in the educational, health and social domains. The Committee also provides them with a full range of opportunities for training, rehabilitation, employment and participation in the development process. A Bill on Persons with Special Needs states that these persons are entitled to exercise the rights set forth in legislation in force, in addition to some special rights which are necessary to ensure their full participation and equalization of opportunities.

22. Spain informed that the legal basis for the protection of the human rights of persons with disabilities is found in the Spanish Constitution and in several laws and regulations adopted in the past few years to implement the constitutional provisions on non-discrimination and equalization of opportunities. Law No. 13/1982,[4] on social integration, aims at achieving full participation of persons with disabilities in the political, economic, social and cultural life. In order to realize this objective, a Plan of Action concerning persons with disabilities was adopted for the period 1997-2002. The Government, in collaboration with the Spanish Committee of Representatives of Persons with Disabilities (CERMI) and disability NGOs, has elaborated a coordinated plan of implementation, which focuses, inter alia, on: (a) adoption of a new law on non-discrimination and equalization of treatment for persons with disabilities; (b) development of a plan of action for employment for the twenty-first century; and (c) development and implementation of a national plan on accessibility.

B. Action by treaty bodies

23. The study on human rights and disability acknowledges that, notwithstanding their limited resources and the need to deal with a variety of issues and groups, treaty monitoring bodies have shown their willingness to treat disability as a human rights issue. Nevertheless, the study notes that there is scope for greater enhancement of their focus on the situation of persons with disabilities. The recommendations addressed to treaty bodies include: (a) considering the adoption of general comments or recommendations to clarify the relevance of the various human rights standards in the context of disability; (b) considering the organization of thematic days of discussion on disability; (c) requesting information on the enjoyment of human rights by persons with disabilities in the list of issues sent to States parties, and inclusion of disability issues in the dialogue with States parties; and (e) increasing references to disability in the concluding observations.

24. OHCHR circulated advance unedited copies of the study to the chairpersons of the six human rights treaty bodies. The study is currently being distributed to all the members of the Committees. OHCHR will report on progress made by treaty bodies in the implementation of the above-mentioned recommendations in its next report to the Commission on Human Rights.

C. Action by the Commission on Human Rights

25. The study commends the Commission on Human Rights for the active interest it has begun to take in disability issues, as reflected in its resolutions adopted at its fifty-fourth and fifty-sixth sessions, held in 1998 and 2000, respectively, and encourages the Commission to sustain and enhance the process of mainstreaming disability as a human rights issue by: (a) setting aside a thematic day of discussion on disability and human rights; and (b) appointing a special rapporteur on the human rights of persons with disabilities.

D. Action by national human rights institutions

26. The study recognizes that many national human rights institutions (NHRIs) are already actively involved in the issue of disability and human rights, and recommends that national institutions consider forming a working group on disability and human rights, which would enable them to deepen their understanding of disability as a human rights issue and to engage in useful exchanges of experience. It also calls on OHCHR to facilitate, to the extent possible, the establishment of such a forum. The following institutions have provided information on measures adopted to implement these recommendations: the Human Rights Ombudsman of Bosnia and Herzegovina, the Hong Kong Equal Opportunities Commission (HKEOC) and the National Human Rights Commission of India.

27. The Human Rights Ombudsman of Bosnia and Herzegovina indicated that it will continue to be involved in the issue of disability and human rights, and supports the idea of forming a working group on this issue. HKEOC has produced a number of reports and conducted a range of research studies on disability issues. It issued codes of practice on employment and education under the 1995 Disability Discrimination Ordinance, which protects people with disabilities against discrimination in major life activities in society. HKEOC monitors reports submitted by the Government to the various human rights treaty monitoring bodies in respect of disability rights and provides information and views to the Government. HKEOC also supports the empowerment of NGOs in their advocacy work on disability rights issues through a Community Participation Funding Programme on Equal Opportunities, which provides funding to NGOs for organizing community projects that promote equal opportunities in respect of gender and disability.

28. The National Human Rights Commission of India (NHRC) monitors implementation of disability-specific laws and has suggested necessary amendments. For instance, a detailed set of guidelines for quality assurance in mental health institutions have been developed to improve the implementation of the Mental Health Act of India, 1987. NHRC established a Core group on disability in 2001, and appointed a Special Rapporteur on disability, inter alia: (a) to offer expert advice to the Commission on matters relating to the rights of the disabled; (b) to assist the Commission in dealing with individual complaints; and (c) to assist the Commission in the monitoring and examination of domestic laws and international standards relating to disability. NHRC is currently engaged in formulating in-house policy on disability, along with a detailed Plan of Action, which will be finalized in the coming months.

29. At a meeting of the Coordinating Committee of the Americas Network of National Institutions for the Promotion and Protection of Human Rights (San José, 17 and 18 July 2002) the Network NHRIs agreed to hold a workshop to focus on the human rights of persons with disabilities.

30. At the Fourth Conference of African NHRIs (Kampala, 14-16 August 2002), African NHRIs urged their Governments to adopt a number of specific measures to enhance equalization of opportunities and respect for the rights of persons with disabilities dealing with prevention, education, employment, accessibility, consultation, mainstreaming and affirmative action. African NHRIs committed themselves to: take steps to educate the public about the rights of persons with disabilities; monitor Governments' implementation of laws protecting persons with disabilities; and participate fully in the upcoming discussions on the draft convention on the protection and promotion of the rights and dignity of persons with disabilities and to assist representatives of persons with disabilities in participating in the discussions. African NHRIs requested the OHCHR to facilitate a meeting of African NHRIs to discuss issues related to the promotion and protection of the rights of persons with disabilities in preparation for the 2003 meeting on the draft convention on persons with disabilities.

31. The role that national institutions can play in the context of protecting the rights of persons with disabilities was discussed at the Seventh Annual Meeting of the Asia-Pacific Forum of National Human Rights Institutions (New Delhi, 11-13 November 2002). The Forum stressed that a large percentage of the 600 million persons with disabilities live in South or South-East Asia, and encouraged Asia-Pacific human rights institutions to make use of their position to facilitate the integration of the rights of persons with disabilities into the national human rights cultures of their respective States. The Forum addressed several recommendations to NHRIs, inter alia, (a) to ensure that the institution is accessible to persons with disabilities in every way, and in particular ensure an adequate representation of persons with disabilities in the composition of their institutions; (b) to raise awareness and educate the public about the rights of persons with disabilities; (c) to strengthen the use of litigation and amicus briefs; (d) to use their investigative powers actively to pursue violation of the rights of persons with disabilities; and (e) to promote effective coordination with disability NGOs. In response to the decision taken at the first meeting of the General Assembly's Ad Hoc Committee, the 12 NHRIs from the Asia-Pacific region resolved to be represented independently in the negotiations for considering proposals for a new international convention on the rights of persons with disabilities.

32. NHRI participants at the Council of Europe's Second Round Table with NHRIs and the Fourth European Meeting of NHRIs (Belfast, United Kingdom and Dublin, Ireland, 14-16 November) agreed to strengthen their cooperation in this field, in particular regarding efforts to draft a new international convention on the rights of persons with disabilities in view of the fact that 2003 will be the European Year of People with Disabilities.

E. Action by non-governmental organizations

33. With respect to civil society, the study notes that disability NGOs are beginning to look to the United Nations human rights system as a source of inspiration and of useful legal doctrine. In order to enhance their knowledge of human rights law, the study recommends that disability NGOs combine their resources and form an "International Disability Human Rights Watch" or

similar body that could help raise levels of awareness as well as human rights capacities within the disability sector. Such a grouping should work more closely with established or traditional human rights NGOs in order to learn from their experiences and also to encourage them to address disability as a human rights issue.

34. OHCHR will encourage disability NGOs to work with treaty monitoring bodies to facilitate the integration of a disability perspective in their activities. OHCHR is also seeking, together with the Special Rapporteur on disability of the Commission for Social Development, to encourage more active involvement of human rights NGOs in this field.

III. OHCHR PROGRAMME OF WORK ON THE HUMAN RIGHTS OF PERSONS WITH DISABILITIES

A. Implementation of the recommendations contained in the study on human rights and disability

35. The study on human rights and disability commends OHCHR for the attention it gives to the issue of the human rights of persons with disabilities, and notes that, as a result, people with disabilities are becoming much more visible and prominent within the human rights system. The study also stresses that much can be done to build on the current momentum and to carry forward this positive development, and addresses to OHCHR the following recommendations:

(a) To set up a web page on human rights and disability;

(b) To plan a series of more focused thematic studies and practical manuals on disability from a human rights perspective;

(c) To assign at least one staff member to work on disability and human rights issues;

(d) To indicate that it welcomes applications for internships from persons with disabilities;

(e) To stimulate teaching and research relating to disability as a human rights issue;

(f) To take a leading role in advancing the cause of the human rights of persons with disabilities within the wider United Nations system.

It is to be noted in this context that High Commissioner's reports to the Economic and Social Council in 2001 and 2002 also addressed the human rights of persons with disabilities.

36. OHCHR has designed a new web page on human rights and disability, linked to the web page on disability set up by the Department of Economic and Social Affairs (DESA) of the United Nations Secretariat. The web page on disability is fully accessible by visually impaired persons. It will be expanded to enable users to access relevant documents of the treaty monitoring bodies.

37. In March 2002, OHCHR established a post, supported by extrabudgetary contributions, to deal with disability and human rights issues. OHCHR also welcomes applications for internship in the Office from persons with disabilities.

38. The OHCHR recognizes the importance of stimulating teaching and research relating to disability as a human rights issue and has carried out relevant activities under the Plan of Action of the United Nations Decade for Human Rights Education, 1995-2004.[5] In 1998, the Office established the ACT (Assisting Communities Together) Project, which supports individuals, institutions and NGOs to undertake human rights activities in local communities by providing micro-grants of up to US$ 3,000. Some of the activities supported under the Project were specifically focused on human rights education with regard to disability. For instance, the General Union of Disabled Palestinians conducted a sensitization campaign on the rights of disabled persons in December 2000 and January 2001.

39. OHCHR is seeking to strengthen collaboration with other United Nations agencies and bodies with a mandate on disability issues. The Office works closely with the Division for Social Policy and Development of DESA, and exchanges information regularly with other United Nations agencies, such as the International Labour Organization (ILO), the United Nations Children's Fund (UNICEF), the United Nations Development Programme (UNDP) and the World Health Organization (WHO). On 18 September 2002, the Office organized an informal meeting with Geneva-based United Nations agencies on human rights and disability, with a view to enhancing collaboration and exchange of information on disability-related issues and coordinating initiatives regarding the proposed new convention. The meeting was attended by representatives of ILO, OHCHR, UNDP, UNICEF and WHO. OHCHR will seek to continue holding brief informal consultations on the work of the Ad Hoc Committee, and to involve other agencies in this exercise.

B. Other activities undertaken in the field of human rights and disability

40. The study on human rights and disability has significant implications for the future activities of OHCHR in the field of the promotion and protection of human rights of persons with disabilities. In keeping with its multi-track approach, the Office has designed a long-term plan aimed at:

(a) Encouraging the integration of disability issues into the activities of treaty monitoring bodies and human rights extra-conventional mechanisms, including facilitating the contribution of NHRIs, NGOs and United Nations agencies with a mandate on disability to the monitoring activities of the treaty bodies;

(b) Supporting the elaboration of the proposed new Convention on the human rights and dignity of persons with disabilities;

(c) Strengthening collaboration with the Special Rapporteur on disability of the Commission for Social Development and other United Nations specialized agencies active in the area of disability.

41. OHCHR continues its close cooperation with the Special Rapporteur on disability of the Commission for Social Development in his efforts aimed at reinforcing the social development dimension of disability. In this regard, the Office provides support to the Special Rapporteur in ensuring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities[6] and the adoption of the proposed supplement to the Standard Rules.[7]

C. Activities regarding proposals for the adoption of a new convention on the human rights and dignity of persons with disabilities

42. OHCHR participates in the work of the Ad Hoc Committee established by the General Assembly "to consider proposals for a comprehensive and integral international convention to promote and protect the rights and dignity of persons with disabilities".[8] The efforts made by OHCHR in this regard aim at enhancing the equal and effective enjoyment of all human rights by persons with disabilities, and at ensuring as a minimum that any drafting efforts build on existing human rights standards. OHCHR also encourages participation of NHRIs and NGOs, in particular those established by persons with disabilities, in the ongoing consultations.

43. OHCHR participated as an observer in the interregional Expert Group Meeting on the Comprehensive and Integral International Convention to Promote and Protect the Rights and Dignity of Persons with Disabilities, organized by the Government of Mexico with the support of DESA and the Economic Commission for Latin America and the Caribbean (Mexico City, 11-14 June 2002). OHCHR also attended the first session of the Ad Hoc Committee of the General Assembly (New York, 29 July-9 August 2002). The Office made several statements and provided technical advice on procedural and substantive issues. As mandated by the General Assembly resolution, the Office distributed to the Ad Hoc Committee the study on human rights and disability. Copies of the executive summary translated into all the official languages of the United Nations were also distributed as official documents of the General Assembly.

44. The first session of the Ad Hoc Committee was mainly devoted to procedural issues, such as the modalities of participation of accredited NGOs to the work of the Committee and the participation of national institutions in its future sessions. The report of the Ad Hoc Committee[9] informs about the work of the Committee, contains the decision adopted and formulates some recommendations to the General Assembly. It also contains the text of a draft resolution concerning the future work of the Committee, which was presented to the General Assembly at its fifty-seventh session.

IV. CONCLUSIONS

45. **It is essential to reaffirm that all persons with disabilities have the right to protection against discrimination and to full and equal enjoyment of their human rights, and that "any violation of the fundamental principle of equality or any discrimination or other negative differential treatment of persons with disabilities inconsistent with the Standard Rules on the Equalization of Opportunities for Persons with Disabilities is an infringement of the human rights of persons with disabilities;".[10]**

46. **The implementation of the recommendations contained in the study on human rights and disability may have a considerable impact on the promotion and protection of the human rights of persons with disabilities. To that end, they need to be carefully considered by States, United Nations bodies, agencies and programmes, NGOs and other relevant actors. It is important that Governments address thoroughly the question of the human rights of persons with disabilities while reporting under the relevant United Nations human rights instruments. For their part, human rights treaty monitoring bodies may wish to include disability concerns, as appropriate, in the lists of issues and concluding observations, to consider drafting general comments on human rights of persons with disabilities, and, more generally, to integrate a disability perspective in their monitoring activities. NHRIs and NGOs should be encouraged to strengthen their work on human rights and disability, and to enhance the level of their cooperation with treaty monitoring bodies.**

47. **The study recommends that the Commission on Human Rights consider "appointing a Special Rapporteur on the human rights of persons with disabilities".[11] If the Commission decides to establish such a special procedure, it is important to ensure complementarity with the mandate of the Special Rapporteur on disability of the Commission for Social Development.**

48. **The study concludes that a new thematic convention should be considered as a tool to strengthen the promotion and protection of the human rights of persons with disabilities. It is vital that Governments, relevant bodies and organizations of the United Nations system, including relevant human rights treaty bodies, the regional commissions, the Special Rapporteur on disability of the Commission for Social Development, national disability and human rights institutions, NGOs and independent experts with an interest in the matter make contributions to the work entrusted to the Ad Hoc Committee set up by the General Assembly. The Ad Hoc Committee proceedings may also be importantly enriched by the participation of representatives of regional economic commissions, experts, NHRIs as well as national disability institutions and organizations.**

Notes

[1] See *Official Records of the Economic and Social Council, 2002, Supplement No. 3* (E/2002/23-E/CN.4/2002/200), chap. II, sect. A.

[2] G. Quinn and T. Degener, *Human Rights and Disability: the Current Use and Future Potential of United Nations Human Rights Instruments in the Context of Disability*, HR/PUB/02/1, United Nations, New York and Geneva, 2002.

[3] "From Users to Citizens - A Strategy for the Dismantling of Disabling Barriers" (Norwegian Report 2001:22).

[4] *Ley 13/1982, de 7 de abril, de Integración Social de los Minusválidos.*

[5] A/56/271.

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[6] General Assembly resolution 48/96 of 20 December 1993.

[7] *"Reaching the most vulnerable: proposed supplement to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities"*, annex to the Report of the Special Rapporteur of the Commission for Social Development on monitoring the implementation of the Standard Rules on the Equalization of Opportunities for Persons with Disabilities on his third mandate, 2000-2002 (E/CN.5/2002/4).

[8] General Assembly resolution 56/168 of 19 December 2001.

[9] A/AC.265/2.

[10] Commission on Human Rights resolution 2002/61, para. 1.

[11] G. Quinn and T. Degener, op. cit., p. 179.